

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DOUGLAS FARMER,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 09-337-GPM
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter comes before the Court on Petitioner Douglas Farmer’s motion for reconsideration. Mr. Farmer timely filed his motion pursuant to Rule 59(e), asking the Court to “reconsider” the Judgment resulting from this Court’s denial of Mr. Farmer’s 28 U.S.C. § 2255 motion.¹ In the alternative, Mr. Farmer asks for an evidentiary hearing on his § 2255 arguments. The Court denied Mr. Farmer’s 2255 motion without an evidentiary hearing (Doc. 19 at 3).

“Rule 59(e) allows a court to amend a judgment only if the petitioner can demonstrate a manifest error of law or present newly discovered evidence.” *Heyde v. Pittenger*, 633 F.3d 512, 521 (7th Cir. 2011) (internal citations and quotations omitted). “[M]anifest error’ is not demonstrated by the disappointment of the losing party. It is the wholesale disregard, misapplication or failure to recognize controlling precedent.” *Oto v. Metropolitan Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir.

¹ Mr. Farmer’s Rule 59(e) motion was filed September 3, 2010, twenty-one days after the Judgment he seeks to alter. Rule 59(e) allows twenty-eight days (in addition to the mail-box rule that would apply to Mr. Farmer’s motions sent from prison). *See Edwards v. United States*, 266 F.3d 756, 758 (7th Cir. 2001).

2000) (internal citations and quotations omitted). In his Rule 59(e) motion, Mr. Farmer does not suggest that any newly discovered evidence warrants amendment of Judgment, nor does he allege any wholesale disregard of controlling precedent. Instead, Mr. Farmer recapitulates the same arguments that the Court addressed in its Order denying Mr. Farmer's § 2255 motion. Mr. Farmer's arguments were carefully considered by the Court, and the disposition of his § 2255 motion stands. There is no justification for an evidentiary hearing. The Court again directs Mr. Farmer to the Order at Doc. 19, which fully addresses all the issues raised in this Rule 59(e) motion. Mr. Farmer's Rule 59(e) motion is DENIED.

IT IS SO ORDERED.

DATED: April 11, 2011

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge